

USSN: 10/052,798
Examiner: O'Hara
Art Unit: 1646

REMARKS

By the present amendments, Applicants have added claims 98 to 146. New claims 98 to 146 correspond to claims 1 to 5 and 10 to 53 presented in co-pending application 09/396,710 ("the '710 application"). New claims 98 to 146 do not constitute new matter and their entry is respectfully requested. See, e.g., Summary of the Invention beginning on page 8; and page 16, ln. 21 to page 19, ln. 14 for support of the new claims.

Pending claims 59 to 62, 65 to 75, 79 to 89 and 93 to 97 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over pending claims 1 to 5 and 10 to 47 of the '710 application and claim 14 of co-pending application No. 10/207,295 ("the '295 application"). The remaining claims are objected to as being dependant upon rejected claims. Applicant intends to cancel claims 1 to 5 and 10 to 47 in the '710 application and claim 15 of the '295 application in due course, rendering the obviousness-type double patent rejection moot. Applicant notes that the prosecution of the '710 and '295 applications are presently suspended due to an interference.

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Entry and consideration of the foregoing is respectfully requested. No fees, in excess of the fee for the three-month extension of time, are believed to be due with the filing of this document. However, the Commissioner is hereby authorized to charge any such fees that may be required, or credit any overpayment to Deposit Account 18-1260.

Respectfully submitted,
for GENENTECH, INC.

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